

Approved Minutes of the Technical Advisory Committee
April 1, 2003

Members present:	Roger Thompson	Spencer Harris
	Gail Center	Jeff Williams
	Barb Willis	Allison Lowry
	Kim Crosby	Steve Revell
	Dave Cotton	Craig Heindel
	Phil Dechert	Rodney Pingree
	John Forcier	Bernie Chenette

Others attending: Frank O'Brien

Scheduled Meetings

April 15, 2003	1-4 PM	Skylight Conference Room
April 29, 2003	1-4 PM	Chapel Conference Room
May 13, 2003	1-4 PM	Chapel Conference Room

Review of Agenda –

The agenda was reviewed and several topics added. Dave asked for time to talk about the training sessions he had recently completed for designers. John asked for time to talk about training sessions arranged by ACEC. Dave asked for time to discuss some rule changes that he wants to propose based on feedback from his training sessions.

Review of Minutes –

Gail noted that minutes of March 18, 2003 incorrectly stated that Roger had reviewed H.319. The minutes will be corrected to state H.309. Phil noted that the draft language related to first in time well issues was prepared by the Lamoille RPC not the Vermont Planners Association. Frank pointed out a writing error in the review of the previous minutes that will be corrected.

Legislative Update –

Roger reported that H.309 is sitting in the Senate NR Committee and it was not clear if action would be taken. Dave asked if the committee should take a position on H.309 and recommended that the committee do so. John noted that the Implementation and Education committee had decided they did not have enough time to develop a position on this topic, though he had said in his presentation of the I+E Committee Report to both House and Senate NR committees that his personal feeling was that an extension should be made to the end of 2004. John noted that he had told the NR Committees that this

would provide a blank check to landowners and that they might want to consider some requirements such as using the best fix concept. Roger noted that while the best fix seems like a logical concept it did not seem to address the two issues that NR Committee members had mentioned. Some NR Committee members thought that some people had lots that met the rules but were being required to build much more expensive systems under the new rules than what they could have built if the lots were exempt and the best fix approach requires building the expensive system. Other NR Committee members were concerned that some very bad lots would be developed and the best fix approach is based on an assumption that virtually every existing building would be allowed to construct a replacement system even if it was very high risk. John noted that the NR Committee members were inclined to do some sort of extension. Phil noted that this was more of a political decision than a technical decision. There was considerable discussion about whether the TAC should take a position on this topic. Roger noted that Agency staff would not be able to participate, as their input should be through the Administration. The Committee decided that the committee's charge did include reporting to the legislature on implementation issues and the extension proposal is a major implementation issue. Craig said that the legislature could use some technical advice on how to shape the extension because a wide-open gap is not a good choice. Bernie suggested making a recommendation that a licensed designer be required. Steve thought this was a good concept and should be included in the recommendation. Rodney thought that most people would recognize that a poor system would be a bad choice because it would just have to be replaced in the future which would be expensive. Roger noted his concerns that without any standards, people who wanted good systems would already build one without adding the requirement for a designer, but that the person who only wanted to build, no matter what, would be able to find the "miracle worker" designer who would design something anywhere. Roger noted that without standards even water supply isolation distances would not be a requirement. Bernie suggested that if a licensed designer were required the statute could require that well isolation distances be met.

After much discussion the committee members other than ANR staff were polled on:

1. Should the committee support a clean extension and by consensus the answer was no.
2. Should the committee support an extension if a licensed designer is required without any technical standards and the committee decided yes with about 2/3 in favor.
3. Should the committee support an extension requiring a licensed designer with designs meeting well isolation distances and the committee decided yes with about 2/3 in favor.

Jeff said he felt the committee should not take a position on this topic. After additional discussion the committee decided to issue a statement and by a 2/3 majority decided to have John write to the Senate and House Natural Resources Committees that the Technical Advisory Committee supports the extension in H.309 only if a requirement for

a licensed designer is required and would prefer that in addition the statute required systems to meet the isolation distances to water supplies.

Allison suggested that only engineers should be allowed to do the work because of enforcement and liability issues. Other committee members felt that site technicians working within their class license should be acceptable and it was decided to not limit the proposal to only engineers.

John will draft the letters and mail them immediately.

Training

Dave said that he had presented six seminars to designers. He said that he had provided an update on the TAC. He also said that for the most part the new rules were considered as an improvement, that some regional offices had already shown some changes in their method of operation with faster permit turn around times, and that people were using and liked the ANR web site. There were also several issues that the attendees would like to see changed in the current rules and David had a handout with some proposed changes.

John said that he had finalized sessions by Sid Pilgrim on soils training for May 13, May 25, and May 27. These are one day, stand-alone sessions, with half-day classroom and half-day fieldwork, ending with a quiz that would be collected and graded. The courses will be held at the Vermont Technical College in Randolph. Reference materials will be provided. The course will be limited to 20 per session and more sessions can be scheduled if people like the presentation. Cost will be \$100 to \$150. John asked if the course could be substituted for the site tech field exam. Roger said that it would have to be evaluated to see how similar it was to what Mr. Pilgrim did in New Hampshire for the same purpose. Members indicated that the New Hampshire presentation was about 6 days.

Designers who are not engineers –

The draft language was reviewed again. Roger noted that slight wording changes had been made in response to previous comments. The committee then took up the topic of water storage and treatment systems again. Jeff gave a short overview and explained that well drillers have been doing this work for a long time when a state permit was not required. The work generally consisted of a simple polyethylene tank without a chlorination system. Gail asked several questions about how to deal with issues of coatings and controls. After thorough discussion the committee decided:

1. That non-engineers could design gravity storage tanks when there is no treatment involved and it is not a public water system. This was a consensus decision.
2. Non-engineers would not be approved to design any type of treatment system. This was also a consensus decision.

Jeff asked how this would affect well drillers. The committee decided to support allowing well drillers to continue installing gravity storage tanks without treatment systems on unregulated lots.

Dave asked that the rule revisions be explicit about what a site modification is and what the two classes of site technicians are limited to designing.

Town Delegation-

There was little time for discussion on this topic. John said we should send the draft we already had to RPCs and try to get comments for the next meeting and the committee agreed with this concept.

Well Drillers Subcommittee

The subcommittee will meet at 11 AM before the next meeting on April 15, 2003 in the Water Supply Conference Room.

Subcommittees

Hydrogeology - Allison Lowry, Craig Heindel, Dave Cotton and Steve Revell.

Training subcommittee - John Forcier, Roger Thompson, Allison Lowry, Dave Cotton, Barbara Willis and Marilyn Davis.

Licensed designers - Spencer Harris, Gary Fern, Alan Huizenga for Lance Phelps, and Gerry Kittle.

Well driller's knowledge checklist-- Jeff Williams, Rodney Pingree, Roger Thompson, Bernie Chenette and Steve Revell.

Interested in the delegation rules-- Spencer Harris, Gerry Kittle, Kimberley Crosby, Phil Dechert, Gary Fern and Alan Huizenga